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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,501	10/16/2001	Rycharde Jeffery Hawkes	1509-226	1484
22429	7590	12/23/2004	EXAMINER	
LOWE HAUPTMAN GILMAN AND BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 /310 ALEXANDRIA, VA 22314			JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/977,501

Applicant(s)

HAWKES ET AL.

Examiner

Jude J Jean-Gilles

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-- The MAILING DATE of this communication appears on th cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/17/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to communication filed on 10/16/2001. Claimed priority is granted from foreign application Priority No. 0025454.0 with an effective filing date of 10/17/2000.

Information Disclosure Statement

1. The references listed on the Information Disclosure Statement submitted on 01/17/2002 have been considered by the examiner (see attached PTO-1449A).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, recites the phrase "*the initial content to be delivered*" in line 3.

There is no antecedent basis for this limitation in the claim.

Claim 4, recites the phrase "*the initial content to be delivered*" in line 4.

There is no antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al (U.S. Patent No. 6,714,987 B1) in view of Goode et al (U.S. Patent No. 6,166,730).

Regarding claim 1: Amin et al disclose the invention substantially as claimed. Amin et al teach a content-provider entity for providing content to media channels established in respect of a network communication session (fig. 14, items 1-10) the content-provider entity comprising:

an entity manager (*fig. 10, item 904*) for receiving, in respect of a particular communication session, context data about the session and channel information about the channels established for the session including the media types carried by the channels and channel connection details (*column 17, lines 65-67; column 18, lines 1-14; it is important to note that the role of the connection management which establishes the transport session while providing session context data based on the client request*);

a transport subsystem for establishing, in accordance with the channel information received by the entity manager, media channel connections to a session transport mechanism associated with said session (*column 14, lines 19-*

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32; note that the connection management component is the transport subsystem system that establishes end to end virtual connection or channels); and

Amin et al further teach a media subsystem providing a respective media handler of appropriate type for each media channel connection established by the transport subsystem, each media handler serving to deliver media content of its associated type from a media source to the corresponding channel connection (*column 29, lines 58-67; the location tracking represents the media subsystem which facilitates media handling*). However Amin et al teach a call server that can take the role of a media controller, but are silent on the media subsystem further including a delivery controller for controlling the selection and delivery of media content through the media handlers in dependence on said context data.

In the same field of endeavor, Goode et al disclose *"a controller that controls the selection and modulation process, operating under the control of a DVM (Digital Video Modulator)... and that each DVMs combines the downstream command information produced by the controller."* [see Goode et al; column 7, lines 29-36].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Goode et al's teachings of a delivery controller within the media subsystem with the teachings of Amin, for the purpose of improving the ability network "...to controls signaling gateway and media gateway components that interface with the PSTN" as stated by Amin in lines 59-60 of column 29.

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Regarding claim 2: The combination Amin-Goode teaches a content-provider entity according to claim 1, further comprising a content library providing media sources of different media type for use by the media handlers [see *Goode*; column 6, lines 2-16; note that the program information stored in an optical disk constitute the library]. By this rationale **claim 2** is rejected.

Regarding claim 3: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein said context data comprises an indication of a target subject, the delivery controller using this indication to determine at least the initial content to be delivered on the media channel connections [see *Amin*; column 19, lines 22-51; note that the configured local decision point represents the indication of the target object]. By this rationale **claim 3** is rejected.

Regarding claim 4: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein said context data comprises the identity of a party already joined to the session, the delivery controller using this identity to query a database about that party [see *Amin*; column 10, lines 47-52]. , the delivery controller using the query results to determine at least the initial content to be delivered on the media channel connections [see *Amin*; column 4, lines 4-14, 49-63]. By this rationale **claim 4** is rejected.

Regarding claim 5: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein the delivery controller is operative to cause content to be simultaneously delivered across multiple channel

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connections [see *Amin*; column 1, lines 54-60]. By this rationale **claim 5** is rejected.

Regarding claim 6: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein content delivery is noninteractive with respect to any other entity joined to the communication session, the delivery controller periodically causing new content to be delivered [see *Goode*; column 5, lines 25-29]. By this rationale **claim 6** is rejected.

Regarding claim 7: The combination Amin-Goode teaches a content-provider entity according to claim 1, wherein the content delivered has active components enabling a party joined to the session to provide input regarding what content should be further delivered, said input being received by the content-provider entity and used to controlled subsequent content delivery on one or more channels [see *Amin*; column 14, lines 50-63]. By this rationale **claim 7** is rejected.

Regarding claim 8: The combination Amin-Goode further teaches, a content-provider entity according to any one of the preceding claims and a service system for setting up a communication session with an associated transport mechanism allowing the exchange of data [see *Amin*; column 29, 64-67; column 30, lines 1-7], via multiple data transfer channels for different media types, between endpoint entities joined to the session [see *Amin*; column 29, 64-67; column 30, 14-23];

the service system, in setting up a communication session, creating a service-session functional entity for controlling the joining of endpoint entities to

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the session in accordance with a predetermined service behaviour, and the service-session functional entity being responsible for joining the content-provider entity to the session as required by said service behaviour, this joining involving the sending of said context data and channel information to the content-provider entity [see *Amin*; column 13, 24-40; column 21, lines 64-67]. By this rationale **claim 8** is rejected.

Regarding claim 9: The combination Amin-Goode teaches the combination of claim 8, wherein the service session functional entity is operative to join the content-provider entity to the session during a period when an existing endpoint entity corresponding to an enquiring party awaits the joining of an endpoint entity corresponding to an assistant party [see *Goode*; column 5, lines 10-29; here, the assistant party is the video session manager]. By this rationale **claim 9** is rejected.

5. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al (U.S. Patent No. 6,714,987 B1) and Goode et al (U.S. Patent No. 6,166,730) in view of Zellner et al (U.S. Patent No. 6,807,564).

Regarding claim 10: The combination Amin-Goode teaches the combination of claim 9. However, both Amin and Goode fail to teach the combination of claim 9 wherein the content-provider entity is automatically caused to leave the communication session upon the assistant party joining the session.

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In the same field of endeavor, Zellner et al disclose "*an Internet delivery method whereas, the user need not wait for a free line to speak with an operator at the Emergency Service Center ...*" [see Zellner et al; fig. 8, items 12, 18, and 22; column 19, lines 6-15].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Zellner et al's teachings of causing a representative or assistant to leave the communication session with the teachings of Amin and Goode, for the purpose of improving the ability network "...to enable subscribers to control, in real-time, the presentation of the information, e.g., requested stream can be started, stopped, paused, reversed and fast forward without substantial latency" as stated by Goode in lines 1-5 of column 3.

Regarding claim 11: The combination Amin-Goode teaches the combination of claim 9, wherein upon the assistant party joining the session, the content-provider entity remains in the session until explicitly dismissed by a said party [see Zellner et al; fig. 8, items 12, 18, and 22; column 19, lines 6-15]. By this rationale **claim 11** is rejected.

Regarding claim 12: The combination Amin-Goode teaches the combination of claim 11, further comprising a transcription entity joined to the session with the content-provider entity to record the content delivered by the latter, the transcription entity being controllable by a said party to play back at least selected portions of the content delivered by the content provider entity [see Zellner et al; column 18, lines 28-38]. By this rationale **claim 12** is rejected.

Regarding claim 13: The combination Amin-Goode teaches the combination of claim 8, wherein the service-session functional entity comprises a session instance with generic behaviour for adding and removing endpoint entities to the communication session and for recording the endpoint entities currently joined to the communication session, and an associated service instance with service-specific behaviour determining when the session instance is to add and remove endpoint entities [see *Zellner et al*; column 18, lines 54-67; column 19, column 1-19]. By this rationale **claim 13** is rejected.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al (U.S. Patent No. 6,714,987 B1) and Goode et al (U.S. Patent No. 6,166,730) in view of Lamb et al (U.S. Patent No. 6,747,970).

Regarding claim 14: The combination Amin-Goode teaches the combination of claim 8. However, both Amin and Goode fail to teach the combination of claim 8, wherein the state of connection of the content-provider entity to the transport mechanism is signalled to the session-service functional entity by leg messages passed between a leg controller of the entity manager of the content-provider entity and a corresponding leg controller of the service-session functional entity.

In the same field of endeavor, Lamb et al disclose "*an agent receiving the call signaling message indicating a network state of the call leg to telephony equipment within the PSRN. ...*" [see *Lamb et al*; column 58, lines 5-37].

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Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Lamb et al's teachings of using a session-service to signal a network state with the teachings of Amin and Goode, for the purpose of improving the ability network *"...to enable subscribers to control, in real-time, the presentation of the information, e.g., requested stream can be started, stopped, paused, reversed and fast forward without substantial latency"* as stated by Goode in lines 1-5 of column 3.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles
Patent Examiner
Art Unit 2143

Will C. Vague
Primary Examiner

JJG

December 08, 2004

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